



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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March 26, 2016

**VIA ECF**

Honorable Allyne R. Ross  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Isa Martin v. City of New York, et al., 11-CV-4507 (ARR) (JO)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. This afternoon plaintiff's counsel informed defense counsel that plaintiff intended to withdraw his alleged claims. Shortly thereafter, plaintiff's counsel filed a Stipulation of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(2). Plaintiff's allegations are false; his claims are meritless and warrant dismissal. However, before this action is closed, defendants respectfully advise the Court that they intend to seek sanctions against plaintiff, and against his attorneys.

As the Court is aware, this action has required the Court's resources, the resources of this Office, and the time and energy of the five individual officer defendants for nearly five years. Defendants fully prepared this case not once, but twice for trial. The individual officer defendants and counsel appeared for trial on March 21, 2016, only to be sent away in light of what has since been revealed to be a gross misrepresentation advanced by plaintiff's counsel. Plaintiff's withdrawal is made less than 48 hours before the five individual defendants and defense counsel expected to again appear in Court for trial. Jurors have been called, and non-party witnesses, including several medical professionals, have made arrangements to appear to testify. This Court has already alluded to addressing sanctions and discipline in this action at a later date. Defendants respectfully advise the Court that they still intend to seek, at a minimum, costs associated with the time of the individual defendants and defense counsel in this matter.

Thank you for your consideration herein.

Respectfully submitted,

/s/  
Melanie Speight  
*Assistant Corporation Counsel*

cc:     VIA ECF  
*Plaintiff's Counsel*  
Jason Leventhal  
John Joseph Nonnenmacher